

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the County of Kern for an Order authorizing construction of a crossing at separated grades between Mohawk Street and the tracks of the Burlington Northern and Santa Fe Railway, sometimes referred to as the "Mohawk Street Underpass," P.U.C. No. 2-890.1B.

Application 02-12-042  
(Filed December 23, 2002)

**O P I N I O N****Summary**

County of Kern (County), in cooperation with the City of Bakersfield (City) and Greater Bakersfield Separation of Grade District (District), requests authority to construct the proposed Mohawk Street Underpass grade-separated highway-rail crossing under The Burlington Northern and Santa Fe Railway Company's (BNSF) two main line tracks and one spur track, in an unincorporated area of Kern County.

**Discussion**

County proposes to construct Mohawk Street Underpass grade-separated highway-rail crossing to accommodate traffic flow in the County. This project involves replacing the existing Mohawk Street at-grade highway-rail crossing of BNSF's two main line tracks and one spur track with a proposed grade-separated highway-rail crossing. The project is located immediately north of the Kern River in an unincorporated area of Kern County within western metropolitan Bakersfield. Mohawk Street, a north-south roadway with no connection with the

Kern River, is designated as an arterial in the 2010 Metropolitan Bakersfield General Plan (General Plan).

San Joaquin AMTRAK trains and BNSF trains operate at high speeds through the existing Mohawk Street at-grade highway-rail crossing. San Joaquin AMTRAK trains which arrive at the Bakersfield AMTRAK station from Oakland or Sacramento must turn around before these trains return to northern California. This turnaround movement occurs at the Landco (Minkler) spur wye located at the existing Mohawk Street at-grade highway-rail crossing.

The turnaround movement involves backing a train out of the Bakersfield AMTRAK station (located approximately two miles east of the existing Mohawk Street at-grade highway-rail crossing), stopping the train after clearing the turnout at the wye (approximately 400 feet west of the existing Mohawk Street at-grade highway-rail crossing), throwing the switch, and pulling the train forward past Mohawk Street before reorienting the locomotive to the west end and returning the train to the Bakersfield AMTRAK station. A San Joaquin AMTRAK train must cross Mohawk Street twice when completing a turnaround movement at the Minkler wye. With six San Joaquin AMTRAK train round trips each day, a total of 24 passenger train movements occur at the existing Mohawk Street at-grade highway-rail crossing daily with each movement taking approximately 2-1/2 minutes to complete.

The General Plan identified northwest and southwest Bakersfield as “major expansion areas” and projects a significant increase in traffic volume in these areas. Principal barriers to north-south circulation in the western Bakersfield metropolitan area are the BNSF railroad tracks and the Kern River. In recent years, County has constructed bridges spanning the Kern River and

grade-separated highway-rail crossings over BNSF's tracks at Calloway Drive and Coffee Road to alleviate traffic congestion.

The General Plan calls for widening Mohawk Street to six lanes and extending Mohawk Street across the Kern River. In addition, City, in cooperation with the California Department of Transportation, has planned an interchange at Mohawk Street for the new Westside Parkway, a six-lane freeway connecting Interstate 5 and State Route (SR) 99 south of SR 58. City is the lead agency for the Westside Parkway project. The proposed Mohawk Street Underpass grade-separated highway-rail crossing is an important element of the Westside Parkway project. Widening of the existing Mohawk Street at-grade highway-rail crossing to four or six lanes would be required in the event County did not construct the proposed Mohawk Street Underpass grade-separated highway-rail crossing.

The proposed grade-separated highway-rail crossing will carry Mohawk Street under BNSF's two main line tracks and single spur track by means of a precast concrete structure. The total length of the proposed Mohawk Street Underpass grade-separated highway-rail crossing will be approximately 139 feet (42.43 meters), from abutment to abutment. Superstructure, abutments and piers will be of reinforced concrete. The proposed Mohawk Street Underpass grade-separated highway-rail crossing will carry six 12-foot (3.6-meter) vehicular lanes, one 14-foot (4.3-meter) median, and two 6-foot (1.8-meter) sidewalks.

During the period of construction, a proposed temporary detour roadway adjacent to the present traveled way will carry vehicular traffic across a proposed temporary detour roadway at-grade highway-rail crossing. Upon completion of the proposed temporary detour roadway at-grade highway-rail crossing and its opening to vehicular traffic, County will reroute vehicular traffic from the

existing Mohawk Street at-grade highway-rail crossing, which County and BNSF will permanently close, abandon, and physically remove, to the proposed temporary detour roadway at-grade highway-rail crossing. Upon completion of the proposed Mohawk Street Underpass grade-separated highway-rail crossing and its opening to vehicular traffic, County will reroute vehicular traffic from the proposed temporary detour roadway at-grade highway-rail crossing, which County and BNSF will permanently close, abandon, and physically remove, to the proposed Mohawk Street Underpass grade-separated highway-rail crossing.

Mohawk Street Underpass project ranks number 52 in the 2002-2003 and 2003-2004 Grade Separation Priority List adopted by Decision (D.) 02-06-041, dated June 27, 2002, in Order Instituting Investigation (I.) 01-07-008. The Grade Separation Priority List prioritized the projects most urgently in need of grade separation, pursuant to Section 2452 of the California Streets and Highways Code, for the fiscal years July 1, 2002, to June 30, 2003, and July 1, 2003, to June 30, 2004.

County, in cooperation with City and District, is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA, as amended in 1982), as stated in Public Resources (PR) Code Section 21000 et seq. County filed with the Kern County Clerk a Notice of Exemption, which finds that the project has a Statutory Exemption from CEQA under PR Code Section 21080.13, which exempts from CEQA “Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.” This project will eliminate the existing Mohawk Street at-grade highway-rail crossing, CPUC Crossing No. 2-890.1. Attached to this order in Appendix A is a copy of the Notice of Exemption.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). CEQA Guideline Section 15096 contains the specific activities that a responsible agency must conduct.

The Commission has reviewed and considered County's Statutory Exemption determination. We are not aware of any information that would suggest that County's exemption classification was inappropriate in this instance. We find that County reasonably concluded, pursuant to PR Code Section 21080.13, that the proposed grade separation project qualifies for an exemption from CEQA. Accordingly, we adopt County's findings of exemption for purposes of our project approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) has inspected the sites of the existing Mohawk Street at-grade highway-rail crossing, the proposed temporary detour roadway at-grade highway-rail crossing, and the proposed Mohawk Street Underpass grade-separated highway-rail crossing project. After reviewing the need for and the safety of the proposed Mohawk Street Underpass grade-separated highway-rail crossing, RCES recommends that the Commission grant County's request.

The Application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of public highway crossings and separations under a

railroad. A site map and detailed drawings of the proposed Mohawk Street Underpass grade-separated highway-rail crossing are shown in Appendix B attached to this order.

By letter dated January 16, 2003, the County's consulting engineers, Ruettgers and Schuler Civil Engineers, advised RCES that County intends to file a request to the California Transportation Commission (CTC) for funding through the Grade Separation Priority List program prior to the April 1, 2003, deadline. County therefore requests that the Commission waive the usual 30-day effective date of an order. The approval and effective dates of our order must occur prior to April 1, 2003, for the proposed project to qualify for Grade Separation Priority List program funding. We will make our order effective immediately.

In Resolution ALJ 176-3105, dated January 16, 2003, and published in the Commission Daily Calendar on January 17, 2003, the Commission preliminarily categorized this Application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3105. The Commission's Consumer Protection and Safety Division recommends that the Commission grant this Application.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), we waive the otherwise applicable 30-day period for public review and comment.

#### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

**Findings of Fact**

1. The Commission published Notice of the Application in the Commission Daily Calendar on January 2, 2003. There are no unresolved matters or protests; a public hearing is not necessary.

2. County, in cooperation with City and District, requests authority, under Public Utilities Code Sections 1201-1205, to construct the proposed Mohawk Street Underpass grade-separated highway-rail crossing under BNSF's two main line tracks and one spur track, in an unincorporated area of Kern County.

3. The construction of the proposed Mohawk Street Underpass grade-separated highway-rail crossing is required to reduce traffic delay and congestion created by San Joaquin AMTRAK trains and to eliminate train/vehicle accidents.

4. Public convenience, necessity, and safety require construction of the proposed Mohawk Street Underpass grade-separated highway-rail crossing.

5. Railroad operations require construction of a temporary bypass track adjacent to BNSF's existing operating right-of-way during construction of the proposed Mohawk Street Underpass grade-separated highway-rail crossing. Upon completion of the proposed Mohawk Street Underpass grade-separated highway-rail crossing and restoration of train traffic to its former alignment, County and BNSF will close and physically remove the temporary bypass track.

6. The Mohawk Street Underpass project ranks number 52 on the 2002-2003 and 2003-2004 Grade Separation Priority List adopted by D.02-06-041, dated June 27, 2002, in I.01-07-008. The Grade Separation Priority List prioritized the projects most urgently in need of grade separation, pursuant to Section 2452 of the Streets and Highways Code, for the fiscal years July 1, 2002, to June 30, 2003, and July 1, 2003, to June 30, 2004.

7. During the period of construction, a proposed temporary detour roadway at-grade highway-rail crossing will carry vehicular traffic over the BNSF tracks. Upon completion of the proposed temporary detour roadway at-grade highway-rail crossing and its opening to vehicular traffic, County and BNSF will permanently close, abandon, and physically remove the existing Mohawk Street at-grade highway-rail crossing, CPUC Crossing No. 2-890.1. Upon completion of the proposed Mohawk Street Underpass grade-separated highway-rail crossing and its opening to vehicular traffic, County and BNSF will permanently close, abandon, and physically remove the proposed temporary detour roadway at-grade highway-rail crossing.

8. Public convenience, necessity, and safety require that County ensure, with the cooperation of BNSF, the installation of two Standard No. 9 (flashing light signals with automatic gates, as defined in Commission General Order 75-C) warning devices, at the proposed temporary detour roadway at-grade highway-rail crossing and ensure the installation of two Standard No. 9 warning devices at the existing Mohawk Street at-grade highway-rail crossing, CPUC Crossing No. 2-890.1; except upon completion of the proposed temporary detour roadway at-grade highway-rail crossing and its opening to vehicular traffic, BNSF will remove all warning devices at the existing Mohawk Street at-grade highway-rail crossing. Upon completion of the proposed Mohawk Street Underpass grade-separated highway-rail crossing and its opening to vehicular traffic, BNSF will remove all warning devices at the proposed temporary detour roadway at-grade highway-rail crossing.

9. County, in cooperation with City and District, is the lead agency for this project under CEQA, as amended.



10. County filed on January 22, 2003, a Notice of Exemption exempting this project from CEQA review as a Statutory Exemption under PR Code Section 21080.13, which exempts from CEQA “Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.” This project will eliminate the existing Mohawk Street at-grade highway-rail crossing, CPUC Crossing No. 2-890.1.

11. The Commission is a responsible agency for this project and has reviewed and considered the County’s Statutory Exemption determination.

12. The approval and effective dates of the Commission’s order must occur no later than April 1, 2003, for the proposed project to qualify for Grade Separation Priority List program funding.

### **Conclusions of Law**

1. We believe the County reasonably concluded, pursuant to PR Code Section 21080.13, that the proposed Mohawk Street Underpass grade-separated highway-rail crossing project is exempt from CEQA.

2. We waive the usual 30-day effective date of an order as County intends to file a request to the CTC through the Grade Separation Priority List program prior to the April 1, 2003, deadline.

3. The Application should be granted as set forth in the following order.

### **O R D E R**

#### **IT IS ORDERED** that:

1. County of Kern (County), in cooperation with the City of Bakersfield (City) and Greater Bakersfield Separation of Grade District (District), is authorized to construct the proposed Mohawk Street Underpass grade-separated highway-rail crossing under The Burlington Northern and Santa Fe Railway Company’s

(BNSF) two main line tracks and one spur track, in an unincorporated area of Kern County within western metropolitan Bakersfield, at the location and substantially as shown by plans attached to the Application and Appendix B of this order, identified as CPUC Crossing No. 2-890.09-B.

2. County and BNSF are authorized to construct a temporary bypass track adjacent to BNSF's existing operating right-of-way during construction of the proposed Mohawk Street Underpass grade-separated highway-rail crossing. Upon completion of the proposed Mohawk Street Underpass grade-separated highway-rail crossing and restoration of train traffic to its former alignment, County and BNSF shall close and physically remove the temporary bypass track.

3. During the period of construction, County and BNSF may construct a proposed temporary detour roadway at-grade highway-rail crossing to carry vehicular traffic over the BNSF tracks. Upon completion of the proposed temporary detour roadway at-grade highway-rail crossing and its opening to vehicular traffic, County and BNSF shall permanently close, abandon, and physically remove the existing Mohawk Street at-grade highway-rail crossing, CPUC Crossing No. 2-890.1. Upon completion of the proposed Mohawk Street Underpass grade-separated highway-rail crossing and its opening to vehicular traffic, County and BNSF shall permanently close, abandon, and physically remove the proposed temporary detour roadway at-grade highway-rail crossing.

4. During the period of construction, County shall ensure, with the cooperation of BNSF, the installation of two Standard No. 9 (flashing light signals with automatic gates, as defined in Commission General Order (GO) 75-C) warning devices, at the proposed temporary detour roadway at-grade highway-rail crossing and ensure the installation of two Standard No. 9 warning devices at the existing Mohawk Street at-grade highway-rail crossing, CPUC

Crossing No. 2-890.1; except upon completion of the proposed temporary detour roadway at-grade highway-rail crossing and its opening to vehicular traffic, BNSF shall remove all warning devices at the existing Mohawk Street at-grade highway-rail crossing. Upon completion of the proposed Mohawk Street Underpass grade-separated highway-rail crossing and its opening to vehicular traffic, BNSF shall remove all warning devices at the proposed temporary detour roadway at-grade highway-rail crossing.

5. Clearances shall conform to GO 26-D.

6. Walkways shall conform to GO 118. County and BNSF shall maintain walkways adjacent to any trackage subject to rail operations free of obstructions and shall promptly restore walkways to their original condition in the event of damage during construction.

7. County, in cooperation with City and District, and BNSF shall borne construction and maintenance costs in accordance with an agreement between County and BNSF (parties). County shall file a copy of the agreement, together with plans approved by BNSF, with Commission's Rail Crossings Engineering Section (RCES) prior to commencing construction. Should the parties fail to agree, the Commission shall apportion the costs of construction and maintenance by further order.

8. Within 30 days after completion of the work under this order, BNSF shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work.

9. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. The

Commission may revoke or modify authorization if public convenience, necessity or safety so require.

10. The Application is granted as set forth above.

11. Application 02-12-042 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

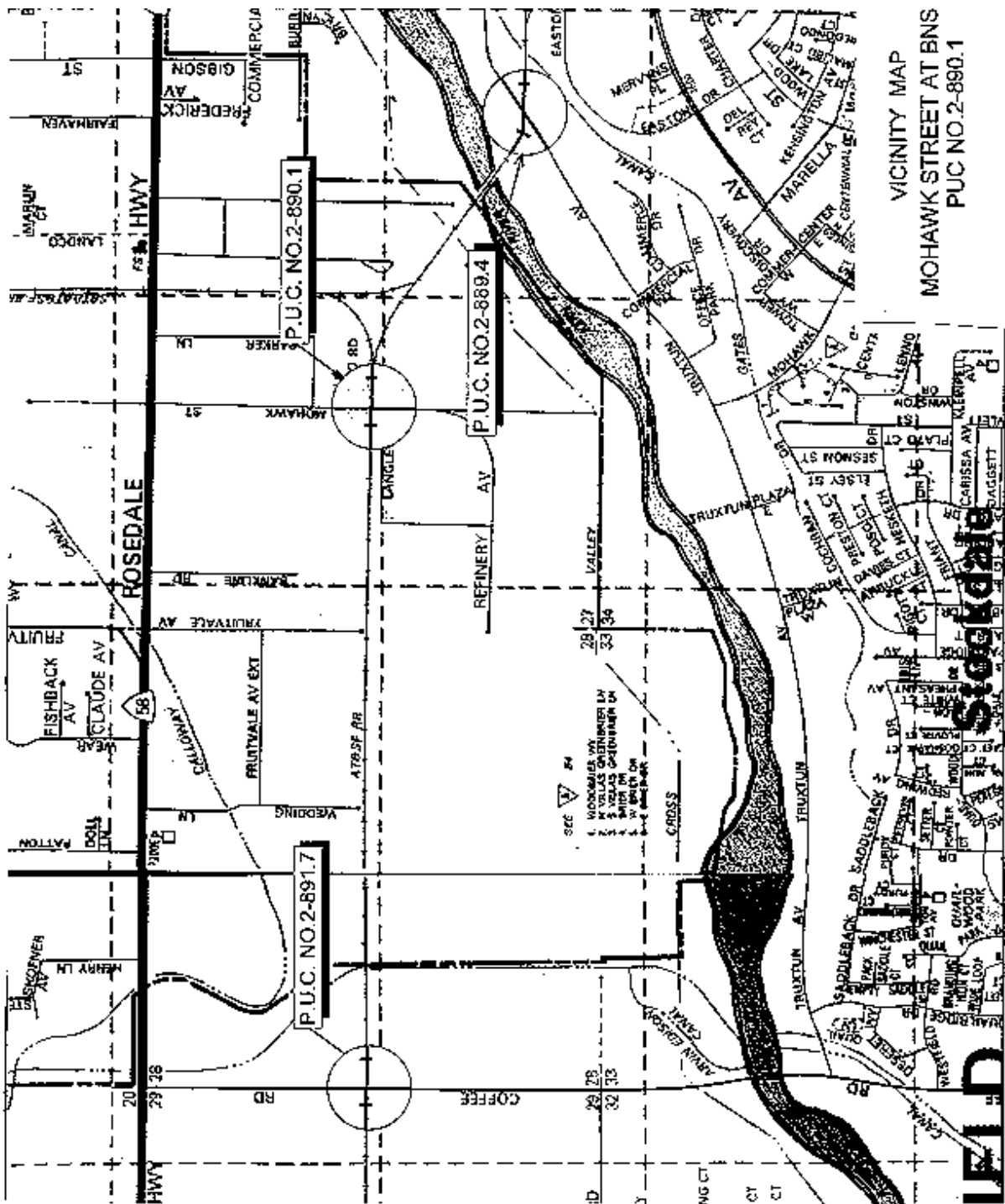
# APPENDIX A

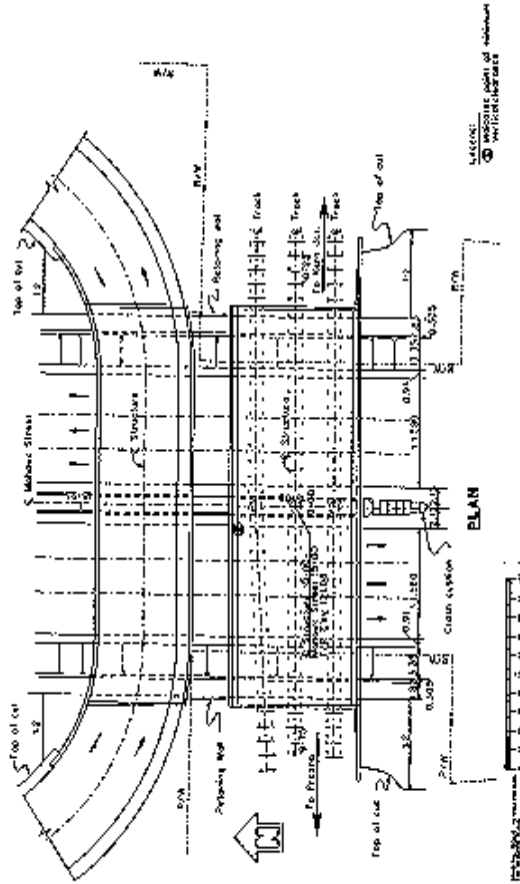
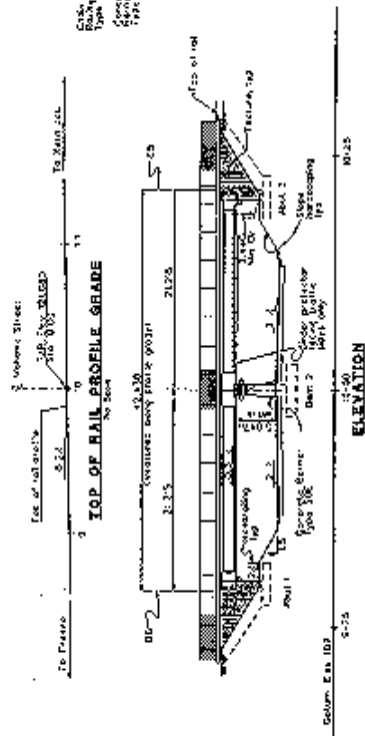
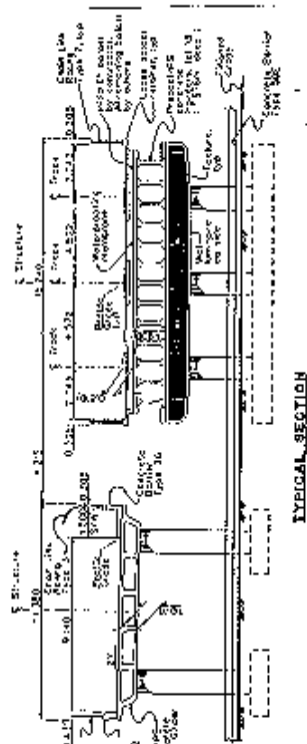
## ENVIRONMENTAL DOCUMENT

Notice of Exemption		Form D
<b>To:</b> <input type="checkbox"/> Office of Planning and Research PO Box 3044, 1400 Tenth Street, Room 222 Sacramento, CA 95812-3044	<b>From: (Public Agency)</b> <u>County of Kern - Roads</u> <u>2700 "M" Street, Suite 400</u> <u>Bakersfield, CA 93301</u> <div style="text-align: right;">(Address)</div>	
<input checked="" type="checkbox"/> County Clerk County of <u>Kern</u> <u>1215 Truxtun Avenue, 1st Floor</u> <u>Bakersfield, CA 93301</u>		
<b>Project Title:</b> <u>Mohawk Street Underpass</u>		
<b>Project Location - Specific:</b> The project is located at the intersection and vicinity of Mohawk Street at the Burlington Northern and Santa Fe Railway (BNSF), PUC Crossing No. 2-890.1, immediately north of the Kern River in the unincorporated area of Kern County in the northwestern metropolitan Bakersfield.		
<b>Project Location - City:</b> <u>Bakersfield</u>		<b>Project Location - County:</b> <u>Kern</u>
<b>Description of Project:</b> The County of Kern, in cooperation with the City of Bakersfield, proposes to construct a railroad underpass on Mohawk Street at the Burlington Northern and Santa Fe Railway (BNSF) double track mainline and spur track (PUC Crossing No. 2-890.1). This project involves replacing the Mohawk Street at-grade BNSF crossing with an underpass. The proposed underpass structure will carry Mohawk Street under the BNSF tracks, by means of a precast concrete structure. Superstructure, abutments and piers will be of reinforced concrete, six 12-foot (3.6m) vehicular lanes, one 14-foot (4.3m) median and two 4-foot (1.2m) sidewalks will be carried through the proposed underpass. The project will relieve traffic congestion and provide safety for the general public.		
<b>Name of Public Agency Approving Project:</b> <u>County of Kern - Board of Supervisors</u>		
<b>Name of Person or Agency Carrying Out Project:</b> <u>City of Bakersfield in cooperation w/ County of Kern</u>		
<b>Exempt Status: (check one)</b> <input type="checkbox"/> Ministerial (Sec. 21080(b)(1); 15268); <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(a)); <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); <input type="checkbox"/> Categorical Exemption, State type and section number: _____ <input checked="" type="checkbox"/> Statutory Exemptions, State code number: <u>Section 21080.13</u>		
<b>Reasons why project is exempt:</b> Section 21080.13 of the California Environmental Quality Act of 1970, as amended in 1991, Public Resources Code (CPRC), exempts from the provisions of CEQA, "Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation." Since the proposed separation eliminates an existing grade crossing, the guidelines (the Cal. Admin. Code-Division 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.		
<b>Lead Agency</b> <b>Contact Person:</b> <u>Jane Talbot</u>		<b>Area Code/Telephone/Extension:</b> <u>(561) 862-8898</u>
<b>It filed by applicant:</b> 1. Attach certified document of exemption finding. 2. Has a Notice of Exemption been filed by the public agency approving the project? <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Signature:</b> <u>Craig H. Pope</u> Craig H. Pope <input checked="" type="checkbox"/> Signed by Lead Agency <input type="checkbox"/> Signed by Applicant		<b>Date:</b> <u>1-22-03</u> <b>Title:</b> <u>Director</u> <b>Date received for filing at OPR:</b> _____ <i>Revised May 1994</i>
<b>Governor's Office of Planning and Research</b>		

## APPENDIX B

### PLANS





PROFILE GRADE-MONARK STREET

COUNTY OF NERN  
MONARK STREET 400X60-ASS  
ENR.S.P. RT. PUE NO. 2-850.8  
GENERAL PLAN

LEGEND:  
① PROPOSED  
② EXISTING